IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 992 OF 2004.

M/s. Pam Pac Machines Pvt. Ltd. ..Petitioner.
V/s
Mr. K. Eshwara Krishnan & Anr. .. Respondents.

Mr. Mihir Desai with Mr. B.V. Phadnis for the petitioners.

Ms. R.M. Gadhvi,APP for the State.

CORAM : S.C. DHARMADHIKARI, J.
DATE : 13TH OCTOBER, 2006.

P.C.

. Mr. Desai in support of this petition which challenges an order passed on an application which was preferred by original accused, submits that the Courts below have taken a very narrow and restricted view of the word property appearing in Section 405 of Penal Code. In his submission, the offence of criminal breach of trust is committed when the property is entrusted to the Accused. In this case the property was intellectual property, in the sense Trade Secrets, technical know how and knowledge was given to the accused during the course of his employment with the petitioner and in breach of the terms of the contract not only the accused left the employment but parted with such secret and know how. Hence, the offence is committed.

2. In my view, the larger issue need not be decided in the facts and circumstances of this case. More so, when the case of the petitioner is that the first respondent left the employment by resigning on 1st December, 1999, the complaint was filed in the year 2000 and discharge application was granted on 3rd December, 2002. One and half years after the order of discharge, the criminal revision application was preferred by the petitioner which is dismissed.

3. In my view, such orders at this belated stage need not be interfered with under the inherent, so also extra ordinary and discretionary jurisdiction of this Court. Petition is dismissed. The issue raised by Shri Desai is expressly kept open for decision in appropriate case. However, this order does not prevent the petitioners from instituting proceedings for recovery of sums and for other reliefs as are permissible in law in a competent Civil Court. All contentions in that behalf are expressly kept open.

(S.C. DHARMADHIKARI, J.)